

JMH:ML

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

- against -

MARCELLO WHYTE,

Defendant.

REMOVAL TO THE
MIDDLE DISTRICT OF
PENNSYLVANIA

(Fed. R. Crim. P. 5)

Case No. 24-MJ-253

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EASTERN DISTRICT OF NEW YORK, SS:

Daniel Panissidi, being duly sworn, deposes and states that he is a Deputy Marshal with the United States Marshals Service ("USMS"), duly appointed according to law and acting as such.

On or about July 8, 2020, the United States District Court for the Middle District of Pennsylvania issued a warrant for the arrest of the defendant MARCELLO WHYTE for violating the conditions of his pre-trial release, in violation of Title 18, United States Code, Section 3148, while awaiting sentencing after pleading guilty to violating Title 21, United States Code, Section 841(a) (possession with intent to distribute a controlled substance), and Title 18, United States Code, Section 1952(a)(3) (interstate travel in aid of racketeering).

The source of your deponent's information and the grounds for his belief are as follows:¹

¹ Because the purpose of this Complaint is to set forth only those facts necessary to establish probable cause to arrest, I have not described all the relevant facts and circumstances of which I am aware.

1. On or about February 22, 2017, a federal grand jury in the Middle District of Pennsylvania returned an indictment (the “Indictment”) charging the defendant MARCELLO WHYTE with violating Title 21, United States Code, Section 841(a) (possession with intent to distribute a controlled substance), and Title 18, United States Code, Section 1952(a)(3) (interstate travel in aid of racketeering). A true and correct copy of the Indictment is attached as Exhibit A.

2. On January 29, 2019, the defendant MARCELLO WHYTE pleaded guilty to Count Two of the Indictment and he was released on bail pending sentencing, which was scheduled for October 19, 2020.

3. On July 5, 2020, the defendant MARCELLO WHYTE was arrested in New York on new criminal charges. On July 8, 2020, the United States Attorney’s Office for the Middle District of Pennsylvania filed a motion for revocation of bail and requested an arrest warrant pursuant to Title 18, United States Code, Section 3148(b).

4. On or about that same day, July 8, 2020, the United States District Court for the Middle District of Pennsylvania granted the motion for revocation of bail (the “Order”) and issued a warrant (the “Warrant”) for the arrest of the defendant MARCELLO WHYTE. A true and correct copy of the Warrant and Order is attached as Exhibit B.

5. On or about September 8, 2020, the United States District Court for the Middle District of Pennsylvania issued an Order directing the defendant MARCELLO WHYTE to self-surrender to the USMS by September 11, 2020 (the “Self-Surrender Order”), pursuant to the Warrant. The defendant MARCELLO WHYTE failed to comply with the Self-Surrender Order. A true and correct copy of the Self-Surrender Order is attached as Exhibit C.

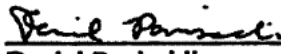
6. On or about March 25, 2024, law enforcement agents arrested the defendant MARCELLO WHYTE in Brooklyn, New York, within the Eastern District of New York.

7. During his arrest, the defendant MARCELLO WHYTE confirmed his name

and date of birth to law enforcement agents, which matched the name and date of birth of the MARCELLO WHYTE wanted in the Middle District of Pennsylvania. Law enforcement agents also confirmed that the defendant MARCELLO WHYTE's fingerprints matched fingerprint records on file for the MARCELLO WHYTE wanted in the Middle District of Pennsylvania.

8. Based on the foregoing, I submit that there is probable cause to believe that the defendant is the MARCELLO WHYTE wanted in the Middle District of Pennsylvania.

WHEREFORE, your deponent respectfully requests that the defendant MARCELLO WHYTE be removed to the Middle District of Pennsylvania so that he may be dealt with according to law.


Daniel Panissidi
Deputy Marshal
United States Marshals Service

Sworn to before me this
25 th day of March, 2024


THE HONORABLE JAMES R. CHO
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK

EXHIBIT A

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA)

v.)

MARCELLO WHYTE)

Defendant)

NO. 1:17-CL-45

(JUDGE Jones)

INDICTMENT

THE GRAND JURY CHARGES:

COUNT ONE

On March 16, 2016, in Dauphin County, Pennsylvania, within the
Middle District of Pennsylvania, and elsewhere, the defendant,

MARCELLO WHYTE,

did intentionally and knowingly unlawfully possess with the intent to
distribute a mixture and substance containing a detectable amount of
cocaine, a Schedule II controlled substance.

All in violation of Title 21, United States Code, Section 841(a)(1).

FILED
HARRISBURG, PA
FEB 22 2017
DM

THE GRAND JURY FURTHER CHARGES:

COUNT TWO

On or about March 16, 2016, between the State of New York and Dauphin County, Pennsylvania, within the Middle District of Pennsylvania, and elsewhere, the defendant,

MARCELLO WHYTE,

did travel in interstate commerce with the intent to otherwise promote, manage, establish, carry on, and facilitate the promotion, management, establishment and carrying on of an unlawful activity, to wit, the unlawful possession with the intent to distribute a mixture and substance containing a detectable amount of cocaine, a Schedule II controlled substance, and thereafter performed and attempted to perform an act as described in Count One of this Indictment.

All in violation of Title 18, United States Code, Section 1952

(a)(3).

A TRUE BILL



FOREPERSON, GRAND JURY

BRUCE D. BRANDLER
UNITED STATES ATTORNEY

By: William A. Behe
WILLIAM A. BEHE
ASSISTANT U.S. ATTORNEY

2/22/17
DATE

EXHIBIT B

UNITED STATES DISTRICT COURT

for the

MIDDLE District of PENNSYLVANIA

United States of America

v.

MARCELLO WHYTE

Defendant

Case No. 1:17-CR-00045-CCC

(Chief Magistrate Judge Schwab)

ARREST WARRANT

To: The United States Marshal and Any Authorized United States Officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay

(name of person to be arrested) MARCELLO WHYTE

who is accused of an offense or violation based on the following document filed with the court:

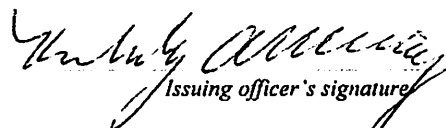
- ☐ Indictment ☐ Superseding Indictment ☐ Information ☐ Superseding Information ☐ Complaint
☐ Probation Violation Petition Supervised Release Violation Petition ☐ Violation Notice ☒ Order of the Court

This offense is briefly described as follows:

VIOLATIONS OF CONDITIONS OF RELEASE in violation of Title 18 United States Code, Section 3148

Date: Jul 8, 2020

City and state: Harrisburg, PA


Issuing officer's signature

PETER WELSH, CLERK OF COURT
Printed name and title

Return

This warrant was received on (date) _____, and the person was arrested on (date) _____
at (city and state) _____

Date:

Arresting officer's signature

Printed name and title

**This second page contains personal identifiers provided for law-enforcement use only
and therefore should not be filed in court with the executed warrant unless under seal.**

(Not for Public Disclosure)

Name of defendant/offender: _____

Known aliases: _____

Last known residence: _____

Prior addresses to which defendant/offender may still have ties: _____

Last known employment: _____

Last known telephone numbers: _____

Place of birth: _____

Date of birth: _____

Social Security number: _____

Height: _____ Weight: _____

Sex: _____ Race: _____

Hair: _____ Eyes: _____

Scars, tattoos, other distinguishing marks: _____

History of violence, weapons, drug use: _____

Known family, friends, and other associates (name, relation, address, phone number): _____

FBI number: _____


Complete description of auto: _____

Investigative agency and address: _____

Name and telephone numbers (office and cell) of pretrial services or probation officer (if applicable): _____

Date of last contact with pretrial services or probation officer (if applicable): _____

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

FILED
HARRISBURG, PA
JUL 08 2020
PER 
DEPUTY CLERK

UNITED STATES OF AMERICA) CR. NO. 1:17-CR-00045
)
v.) (Chief Judge Jones)
) (CMJ Schwab)
MARCELLO WHYTE,)
Defendant.) (Electronically Filed)

ORDER

AND NOW this 8th day of July, 2020, upon consideration of
the government's Motion for Revocation of Bail Pursuant to 18 U.S.C. §
3148,

IT IS HEREBY ORDERED that the Motion is GRANTED. A
warrant shall issue for the arrest of MARCELLO WHYTE. pursuant to
18 U.S.C. § 3148(b). Upon his arrest, the defendant shall be promptly
produced before the Court for purposes of a hearing to determine
whether or not there is probable cause to believe that he has committed
a federal, state, or local crime while on release, or clear and convincing
evidence that the defendant has violated any other condition of release.



SUSAN E. SCHWAB
CHIEF MAGISTRATE JUDGE

EXHIBIT C

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA,	:	CRIMINAL NO. 1:17-CR-00045
	:	
	:	(Chief Judge Jones)
v.	:	
	:	(Chief Magistrate Judge Schwab)
	:	
MARCELLO WHYTE,	:	
	:	
Defendant.	:	

ORDER

AND NOW, this 8th day of September, 2020, following a telephone conference with counsel for the parties and upon consultation with the United States Probation Office concerning the outstanding arrest warrant (*doc. 80*) in this matter, **IT IS ORDERED** that defendant Marcello Whyte shall self-surrender to the United States Marshal for the Southern District of New York, **by no later than 12:00 p.m. on Friday, September 11, 2020**, at the United States Courthouse located at 225 Cadman Plaza East, Brooklyn, NY 11201.

S/Susan E. Schwab
Susan E. Schwab
United States Chief Magistrate Judge